

Appl. No. 10/657,320
Docket No. 8652C
Amdt. dated 01/22/06
Reply to office action mailed on 11/29/06
Customer No. 27752

REMARKS

Claim Status

Claims 1, 3-21 are currently under consideration. No additional claims fee is believed to be due.

Claim 1 has been amended to recite an absorbent disposable paper product, a print element comprises an individual indicium, and that the color density is defined as $D = \log_{10} I/R$ where I is the intensity of the incident light and where R is the intensity of reflected light. Support for the amendment is found in previously presented Claim 1; page 3, lines 40-42 through page 4, lines 5-6 and page 4 lines 21-23 of the Specification.

Claims 2-3 and 10-12 have been amended to recite the absorbent disposable paper product of Claim 1. Support for the amendment is found in previously presented Claim 1; page 3, lines 40-42 of the Specification.

New Claims 16, 18 and 20 have been added to recite that the absorbent disposable paper product has a basis weight of from about 25 g/m² to about 60 g/m². Support for the amendment is found at page 7, lines 13-16 of the Specification.

New Claims 17, 19 and 21 have been added to recite that the absorbent disposable paper product of Claim 1 wherein said absorbent disposable paper product is selected from the group consisting of: paper towel, facial tissue, bath tissue, table napkins, wipes, diapers, incontinence garments, cotton pads, and combinations thereof. Support for the amendment is found at page 7, lines 9-11 of the Specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

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Rejection Under 35 USC §103(a) Over U.S. Pat. No. 5,853,197
in view of U.S. Pat. No. 6,241,787

Claims 1, 3, 5, 6, 8, 10, 12, 14-15

Claims 1, 3, 5, 6, 8, 10, 12, 14-15 stand rejected under 35 USC §103(a) over U.S. Pat. No. 5,853,197 (hereinafter "Mowry") in view of U.S. Pat. No. 6,241,787 (hereinafter "Nigam"). The Applicants respectfully traverse this rejection because Mowry in view of Nigam does not teach every limitation of the Applicant's claimed invention. W.L. Gore & Assocs. v. Garlock, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Specifically, Mowry in view of Nigam does not teach an absorbent disposable paper product or background color density as are claimed by the Applicant. Further, Mowry cannot be used as a reference against the instant application because Mowry is nonanalogous art and because Mowry cannot be a reference the *prima facie* case of obviousness is not met because there is no primary reference. Wang Lab., Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993).

The Applicants claim an absorbent paper product while Mowry discloses a printed security system for documents. (Mowry, Col. 1, lines 4-8). A security document is not an absorbent paper product and Mowry does not teach, disclose, or suggest the use of that print methodology on an absorbent paper product as is claimed by the Applicants. The Applicants also claim a background color density (defined as $D = \log_{10} I/R$). However, Mowry discloses a "density of the background printed matter" (Mowry, Col. 6, line 19). These are different because the **background elements disclosed in Mowry, and labeled as item 24, are actually a claimed by the Applicants as print elements**. Specifically, the Applicant claims print elements as "an individual indicium" (Claims, 1, 5 and 8) and the background elements of Mowry 24 are described as "line segments" (Mowry, Col. 4, line 38). In other words, the "background color density" claimed by the Applicants are not disclosed, taught or suggested by Mowry. Nigam fails to remedy the deficiencies of Mowry as Nigam merely discloses the use of a print enhancing fluid on the surface of a substrate.

Claims 16, 18 and 20

Claims 16, 18 and 20 recite that the absorbent paper products of Claims 1, 5, and 8 (respectively) have a basis weight of from about 25 g/m² to about 60 g/ m². Neither

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Mowry nor Nigam disclose any range of basis weight for the substrates, thus Mowry in view of Nigam fails to teach, suggest or disclose the limitation claimed by the Applicants.

Claims 17, 19 and 21

Claims 17, 19 and 21 recite that the absorbent paper products of Claims 1, 5, and 8 (respectively) are selected from the group consisting of: paper towel, facial tissue, bath tissue, table napkins, wipes, diapers, incontinence garments, cotton pads, and combinations thereof. Neither Mowry nor Nigam disclose any of the paper products as are claimed by the Applicants. Mowry merely discloses security documents (Mowry, Col. 2, lines 46-47). Nigam merely discloses "cellulosic and noncellulosic substrates" generically (Nigam, Col. 1, lines 21-22). Thus Mowry in view of Nigam and further in view of Harris fails to teach, suggest or disclose the limitation claimed by the Applicants.

The Applicants respectfully submit that the claimed invention is non-obvious under 35 U.S.C. §103(a) over Mowry in view of Nigam because Mowry in view of Nigam fails to teach, suggest, or motivate the claim limitations recited by the Applicants.

**Rejection Under 35 USC §103(a) Over U.S. Pat. No. 5,904,375
in view of U.S. Pat. No. 6,241,787**

Claims 1, 3, 8 and 10-14

Claims 1, 3, 8 and 10-14 stand rejected under 35 USC §103(a) over U.S. Pat. No. 5,904,375 (hereinafter "Brugada") in view of U.S. Pat. No. 6,241,787 (hereinafter "Nigam"). The Applicants respectfully traverse this rejection because Brugada in view of Nigam does not teach every limitation of the Applicant's claimed invention. W.L. Gore & Assocs. v. Garlock, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Specifically, Brugada in view of Nigam does not teach an absorbent disposable paper product or background color density as are claimed by the Applicant. Further, Brugada cannot be used as a reference against the instant application because Brugada is nonanalogous art and because Brugada cannot be a reference the *prima facie* case of obviousness is not met because there is no primary reference. Wang Lab., Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993).

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The Applicants claim an absorbent paper product while Brugada discloses a printed security system for documents. (Brugada, Col. 1, lines 8-12). A security document is not an absorbent paper product and Brugada does not teach, disclose, or suggest the use of that print methodology on an absorbent paper product as is claimed by the Applicants. The Applicants also claim a background color density (defined as $D = \log_{10} I/R$). The Office Action dated November 29, 2006 argues that Brugada discloses a background color density as element 10 in Fig. 1. However, Brugada describes element 10 as a "stroke" (Brugada, Col. 3, line 44). A stroke 10 in Brugada is claimed by the Applicants as a print element as the Applicant claims a print element to be "an individual indicium." (Claims 1, 5 and 8). Therefore, the "background color density" claimed by the Applicants are not disclosed, taught or suggested by Brugada. Nigam fails to remedy the deficiencies of Brugada as Nigam merely discloses the use of a print enhancing fluid on the surface of a substrate.

Claims 16, 18 and 20

Claims 16, 18 and 20 recite that the absorbent paper products of Claims 1, 5, and 8 (respectively) have a basis weight of from about 25 g/m² to about 60 g/ m². Neither Brugada nor Nigam disclose any range of basis weight for the substrates, thus Brugada in view of Nigam fails to teach, suggest or disclose the limitation claimed by the Applicants.

Claims 17, 19 and 21

Claims 17, 19 and 21 recite that the absorbent paper products of Claims 1, 5, and 8 (respectively) are selected from the group consisting of: paper towel, facial tissue, bath tissue, table napkins, wipes, diapers, incontinence garments, cotton pads, and combinations thereof. Neither Brugada nor Nigam disclose any of these particular paper products. Brugada merely discloses security documents (Brugada, Col. 1, lines 8-12). Nigam merely discloses "cellulosic and noncellulosic substrates" generically (Nigam, Col. 1, lines 21-22). Thus Brugada in view of Nigam fails to teach, suggest or disclose the limitation claimed by the Applicants.

The Applicants respectfully submit that the claimed invention is non-obvious under 35 U.S.C. §103(a) over Brugada in view of Nigam because Brugada in view of Nigam fails to teach, suggest, or motivate the claim limitations recited by the Applicants.

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Rejection Under 35 USC §103(a) Over U.S. Pat. No. 5,853,197
in view of U.S. Pat. No. 6,241,787
and further in view of U.S. Pat. No. 5,871,615

Claims 1, 3, 5, 6, 8, 10, 12, 14-15

Claims 1, 3, 5, 6, 8, 10, 12, 14-15 stand rejected under 35 USC §103(a) over U.S. Pat. No. 5,853,197 (hereinafter "Mowry") in view of U.S. Pat. No. 6,241,787 (hereinafter "Nigam") and further in view of U.S. Pat. No. 5,871,615 (hereinafter "Harris"). The applicants respectfully traverse the rejection on the grounds that Mowry in view of Nigam and further in view of Harris do not teach every limitation of the Applicant's claimed invention. W.L. Gore & Assocs. v. Garlock, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Further, Mowry cannot be used as a reference against the instant application because Mowry is nonanalogous art and because Mowry cannot be a reference the *prima facie* case of obviousness is not met because there is no primary reference. Wang Lab., Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993).

As argued above, Claims 1, 5 and 8 (and the claims dependent therefrom) recite, *inter alia*, an absorbent paper product with a background color density. Mowry in view of Nigam fails to teach an absorbent disposable paper product or background color density as are claimed by the Applicant. Harris does not remedy this deficiency because Harris merely discloses a textured security document (Harris, Col. 2, lines 7-19) and does not contain any suggestion, teaching or motivation of an absorbent paper product or a background color density as are claimed by the Applicants.

Claims 16, 18 and 20

Claims 16, 18 and 20 recite that the absorbent paper products of Claims 1, 5, and 8 (respectively) have a basis weight of from about 25 g/m² to about 60 g/m². As argued above neither Mowry nor Nigam disclose any range of basis weight for the substrates. Harris fails to remedy this deficiency as Harris does not disclose any range of basis weights. Thus Mowry in view of Nigam and further in view of Harris fails to teach, suggest or disclose the limitation claimed by the Applicants.

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Claims 17, 19 and 21

Claims 17, 19 and 21 recite that the absorbent paper products of Claims 1, 5, and 8 (respectively) are selected from the group consisting of: paper towel, facial tissue, bath tissue, table napkins, wipes, diapers, incontinence garments, cotton pads, and combinations thereof. As argued above neither Mowry nor Nigam disclose any of these particular paper products. Nigam merely discloses "cellulosic and noncellulosic substrates" generically (Nigam, Col. 1, lines 21-22). Harris fails to remedy the deficiencies of Mowry in view of Nigam because Harris merely discloses security documents (Harris, Col. 1, lines 11-20) and contains no other disclosures of any different paper products. Thus Mowry in view of Nigam and further in view of Harris fails to teach, suggest or disclose the limitation claimed by the Applicants.

The Applicants respectfully submit that the claimed invention is non-obvious under 35 U.S.C. §103(a) over Mowry in view of Nigam and further in view of Harris because Mowry in view of Nigam and further in view of Harris fails to teach, suggest, or motivate the claim limitations recited by the Applicants.

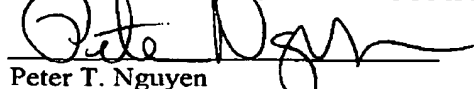
Conclusion

In light of the above remarks, the Applicants respectfully submit that Claims 1 and 3-21 are patentable under 35 USC §103(a). Early and favorable action in the case are respectfully requested.

Respectfully submitted,

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